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SENATE BILL 228

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John T. L. Grubesi c

AN ACT

RELATING TO LICENSING; REVISING LICENSING REQUIREMENTS FOR  
HOISTING OPERATORS AND MEMBERSHIP IN THE HOISTING OPERATORS  
LICENSURE EXAMINING COUNCIL; ESTABLISHING THE HOISTING  
OPERATORS SAFETY ACT FUND; AMENDING, REPEALING AND ENACTING  
SECTIONS OF THE HOISTING OPERATORS SAFETY ACT; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-15-4 NMSA 1978 (being Laws 1993,  
Chapter 183, Section 4, as amended) is amended to read:

"60-15-4. LICENSE REQUIRED. --No person shall operate  
hoisting equipment in construction, demolition or excavation  
work when the hoisting equipment is used to hoist or lower  
individuals or material unless ~~[he]~~ the person is licensed  
under the Hoisting Operators Safety Act. ~~[provided, however,~~

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1 ~~that no license shall be required for a person who has~~  
2 ~~successfully completed an industry recognized in house training~~  
3 ~~course based on American national standards institute standards~~  
4 ~~for hoisting operators and who is employed by the entity that~~  
5 ~~taught the training course or contracted to have the training~~  
6 ~~course taught. The operator's employer is subject to~~  
7 ~~applicable regulations controlling the use and operation of~~  
8 ~~cranes as promulgated by the occupational safety and health~~  
9 ~~administration, the mine safety and health administration or~~  
10 ~~the American national standards institute.]"~~

11 Section 2. Section 60-15-12 NMSA 1978 (being Laws 1993,  
12 Chapter 183, Section 12, as amended) is amended to read:

13 "60-15-12. LICENSURE DENIAL, SUSPENSION OR REVOCATION--  
14 HEARING--APPEALS. -- ~~[The superintendent may deny a license to an~~  
15 ~~applicant who fails to meet the requirements of Section 7 of~~  
16 ~~the Hoisting Operators Safety Act. The superintendent may~~  
17 ~~revoke a license for reasons set forth in Section 11 of that~~  
18 ~~act after a hearing before the superintendent or his appointed~~  
19 ~~hearing officer pursuant to the provisions of the Uniform~~  
20 ~~Licensing Act.] The superintendent shall, before denying a~~  
21 ~~license to an applicant, or revoking or suspending a license~~  
22 ~~for a violation of any provision of the Hoisting Operators~~  
23 ~~Safety Act, provide for a hearing pursuant to the provisions of~~  
24 ~~the Uniform Licensing Act."~~

25 Section 3. Section 60-15-14 NMSA 1978 (being Laws 1993,

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1 Chapter 183, Section 14, as amended) is amended to read:

2 "60-15-14. HOISTING OPERATORS LICENSURE EXAMINING  
3 COUNCIL--APPOINTED.--The "hoisting operators licensure  
4 examining council" is created. The superintendent shall  
5 appoint no fewer than [~~three~~] five members to the council. One  
6 member of the council shall be a class I hoisting operator  
7 [~~and~~]; another member of the council shall be a contractor, as  
8 defined by Section 60-13-3 NMSA 1978, who employs one or more  
9 hoisting operators; one member shall be a representative of  
10 organized labor; and the other members shall be public members  
11 who are not licensed hoisting operators. The members of the  
12 council shall serve at the pleasure of the superintendent and  
13 their duties shall include:

14 A. reviewing and approving the applications,  
15 qualifications and examinations of applicants for licensure as  
16 hoisting operators and recommending to the superintendent  
17 whether licensure should be granted based on their evaluation  
18 of the operating experience and competence of the applicants;

19 B. reporting findings and recommendations from the  
20 hearings to the superintendent; and

21 C. proceeding according to regulations adopted by  
22 the department."

23 Section 4. A new section of the Hoisting Operators Safety  
24 Act is enacted to read:

25 "[NEW MATERIAL] HOISTING OPERATORS SAFETY ACT FUND

. 153530. 2

underscoring material = new  
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1       **CREATED-- PURPOSE-- APPROPRIATION.--**

2               A.   The "Hoisting Operators Safety Act fund" is  
3       created in the state treasury.   The fund shall consist of  
4       legislative appropriations to the fund; fees charged by the  
5       department pursuant to the Hoisting Operators Safety Act;  
6       gifts, grants, donations and bequests to the fund; and income  
7       from investment of the fund.   Money in the fund shall not  
8       revert to any other fund at the end of a fiscal year.

9               B.   The fund shall be administered by the  
10       department, and money in the fund is appropriated to the  
11       department for the purpose of carrying out the provisions of  
12       the Hoisting Operators Safety Act.   Expenditures from the fund  
13       shall be made on warrants drawn by the secretary of finance and  
14       administration pursuant to vouchers signed by the  
15       superintendent or the superintendent's authorized  
16       representative. "

17               Section 5.   **REPEAL.--**Section 60-15-5 NMSA 1978 (being Laws  
18       1993, Chapter 183, Section 5, as amended) is repealed.

19               Section 6.   **EFFECTIVE DATE.--**The effective date of the  
20       provisions of this act is July 1, 2005.